

APPROVED: Meeting No. 36-92

ATTEST:



MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 34-92

October 5, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on October 5, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and Assistant City Attorney Sondra Block.

Re: City Manager's Report

1. The newest member of the City's senior management team, Phil Bryan, was introduced to the Mayor and Council. Mr. Bryan replaces Burt Hall as Superintendent of Recreation.
2. As of today, the elevator in City Hall is back in service. The City is going to seek reimbursement for some of the repair costs through our insurance carrier.
3. Some time ago, the Mayor and Council authorized the Watts Branch traffic circle project as a pilot physical traffic control. During the month of August and into September, a speed study was done to determine its effectiveness. The draft report is being reviewed at this time and will be issued to the Mayor and Council and interested individuals later this week. Some judgments will

Meeting No. 34-92

2

October 5, 1992

be made for future traffic control measures in the City based on the Watts Branch traffic circle experience.

4. Just prior to tonight's meeting, the Mayor and Council dedicated new artwork in the Boards and Commissions Room. Maureen Melville is the artist of the glass tile frieze of "People of Rockville." The dedication was very well attended and it is a pleasure to have this welcome addition to the building.

Re: Recognition of the following teens who participated in the Teen Mural Project on the rear wall of the handball courts at Twinbrook Park: Andrea Avery and Andrea Giuliano.

The Mayor and Council presented Certificates of Recognition to Andrea Avery and Andrea Giuliano for their participation in the Summer 1992 Teen Mural Project. The students worked under the direction of Margery Albertini, the City's artist in residence.

Re: Recognition of the Town Center Gallery artists who participated in the Memorial Day Parade mural project on the Metro Center construction wall, behind the fountain in Courthouse Square Park.

The Mayor and Council presented Certificates of Recognition to the following artists for their participation in the Memorial Day Parade Mural Project: Gertrude Wetmore, Connie Ward Woolard, Marian Rice, Barbara Leyba, Eleanor McNerney, Jacqueline DeMoss, Debbie Stevens, Ann Forchielli, Emily Tavakoli, Jim Masters, Elizabeth McKelway, Merren Frichtl, Nancy Shen, Mary Goodwin and Gary McNerney. John M. Wetmore and John Z. Wetmore who filmed the mural in

Meeting No. 34-92

3

October 5, 1992

progress were also presented with Certificates of Recognition as was Cliff Grimes, Property Manager of Carey Winston Company at Rockville Town Center, for providing materials and on-site assistance during the execution of this artwork.

Re: Proclamation declaring the month of October as **STAMP COLLECTING MONTH** in Rockville.

Proclamation No. 22-92

By a unanimous vote of the Mayor and Council, the month of October was declared **STAMP COLLECTING MONTH** in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Robert Lochhead, Rockville Postmaster, accepted the Proclamation.

Re: P r o c l a m a t i o n commemorating October 12, 1992, as the 500th anniversary of Christopher Columbus' landing in the Western Hemisphere.

Proclamation No. 23-92

By a unanimous vote of the Mayor and Council, October 12, 1992, was designated as a day of historic importance marking the 500th anniversary of the landing of Columbus and his men in the Western Hemisphere. Councilmember Krasnow read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Mollee Kruger, author of Admiral of the Mosquitoes, accepted the Proclamation.

Re: P r o c l a m a t i o n commemorating the 125th anniversary of Clinton A.M.E. Zion Church in the City of Rockville.

Meeting No. 34-92

4

October 5, 1992

Proclamation No. 24-92

By a unanimous vote of the Mayor and Council, special recognition was given to the Clinton A.M.E. Zion Church on its 125th anniversary of service to the Rockville community. Councilmember Marrinan read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Rev. Paul S. Hoggard, Pastor of Clinton A.M.E. Zion Church, accepted the Proclamation.

Re: Proclamation declaring  
October 6, 1992, as  
**GERMAN-AMERICAN  
DAY**. Special guests from  
Rockville's sister city,  
Pinneberg, Germany, will  
be present to accept the  
Proclamation.

Proclamation No. 25-92

By a unanimous vote of the Mayor and Council, October 6, 1992, was declared **GERMAN-AMERICAN DAY** in Rockville. Mayor Duncan read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. The Proclamation was presented to representatives of the German-American Friendship Society of Pinneberg, Germany, Dr. Harmut Nolte, President, Carl-Ulrich Bremer, Vice-President, and Frau Bremer; City of Pinneberg representatives Peter Lehnert, a member of the state parliament of Schleswig-Holstein and deputy member of the Pinneberg Magistrat, Ingeborg Kath, wife of the late Burgermeister Hans Hermann Kath, and Herr Albert Bruss.

Mayor Duncan recognized former Rockville Mayors Dickran Hovsepien and Viola Hovsepien who were in attendance. During his tenure as mayor 35 years ago, Dickran Hovsepien initiated the Sister City relationship with Pinneberg. Special gifts were presented to the Pinneberg

Meeting No. 34-92

5

October 5, 1992

visitors followed by greetings and remarks by Dr. Nolte and Mr. Lehnert.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Rev. Mansfield Kaseman, 704 Carter Road, advised the Mayor and Council that the Jefferson House was the recent recipient of an award for historic restoration by the Metropolitan Washington/Virginia Chapter of the Associated Builders and Contractors at their 11th Annual Excellence in Construction Awards ceremony. Certificates of Merit for Excellence in Construction were awarded to the architect, Maggi Osgood, and to the developer, Rockville United Methodist Church. Gino Valenti, Project Superintendent, accepted the award on behalf of Ms. Osgood.

Mayor Duncan congratulated the awardees, stating that this particular project is magnificent.

2. Roger Blond, 9003 Scott Drive, reiterated concerns previously expressed by some of his neighbors regarding excessive speed on Scott Drive.

Staff will soon be issuing a report with respect to the success of the traffic circle as a means of deterring speeding, and Mayor Duncan requested information from staff as to the number of vehicles traveling each day on Scott Drive. The City's transportation policy is to shift traffic from residential neighborhoods and onto arterial roads.

Councilmember Coyle asked if staff looked at the circulation pattern bringing traffic onto Scott Drive.

The City Manager responded that staff has some information in this matter as well as more definitive information regarding the new development in that area, Willows of Potomac. Staff

Meeting No. 34-92

6

October 5, 1992

will ensure that the Scott Drive residents receive this information concurrently with distribution to the Mayor and Council.

There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Christine Snetter was appointed to a five-year term on the Housing Authority Board of Commissioners.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Roald Schrack was reappointed to a two-year term on the Montgomery Community TV Board of Directors.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Stephen Edwards was reappointed to a one-year term as Chairperson and Genie McKay was reappointed to a one-year term as Vice-Chairperson of the Recreation and Park Advisory Board.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Helen Roberto was reappointed to a one-year term as Chairperson of the Senior Citizens Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, John Borden was appointed to a one-year term as Chairperson of the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Robbins abstaining as he was not present at the meeting, the minutes of Meeting No. 31-92 (September 10, 1992) were approved, as written.

Meeting No. 34-92

7

October 5, 1992

Upon motion of Councilmember Krasnow, duly seconded, with Councilmembers Coyle and Marrinan abstaining as they were not present at the meeting, the minutes of Meeting No. 32-92 (September 14, 1992) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 33-92 (September 21, 1992) were approved, as written.

Re: Consent Agenda

Councilmember Marrinan requested the removal of Items B and E from the Consent Agenda. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Bid No. 14-93, Redgate Golf Course Clubhouse Addition, to low bidder, Cobb Construction, in the amount of \$382,859.

This award calls for a 2,400 square foot addition to the existing clubhouse and remodeling and redesign of the interior existing structure. Sufficient funds have been budgeted for this award.

- C. Approval of purchase of cold plastic marking materials from the 3M Company for a total of \$26,215.80 under a cooperative procurement utilizing the State of Maryland Contract No. P67383.

The markings will be used in the normal maintenance requirements for roadway markings.

- D. Award of first option year extension to Wright Away Refuse, Inc., of Bid No. 5-92 for the

Meeting No. 34-92

8

October 5, 1992

Curbside Collection of Recyclables beginning October 7, 1992. Based on the current level of services, the 3.1% CPI adjustment will increase the cost per household per month from \$2.30 to \$2.3713.

Sufficient funds are budgeted for this award.

- F. Introduction of Ordinance to grant Text Amendment Application T-125-92, Barman Enterprises, Applicant.

This application proposes to amend the Zoning Ordinance to allow commercial indoor recreational or entertainment establishments in the I-1, Service Industrial, Zone as permitted uses subject to special limitation.

- G. Introduction of Ordinance to grant Text Amendment Application T-127-92, Robert R. Harris, attorney for Exxon Corporation, Applicant.

This application proposes to amend the Zoning Ordinance to provide for the sale of convenience products at automobile filling stations.

- H. Introduction of Ordinance to grant Text Amendment Application T-129-92, Rockville Planning Commission, Applicant.

This application proposes to amend the Zoning Ordinance to increase the number of children that may be provided for in a child care home for six to eight.

- I. Proclamation No. 26-92, the full text of which can be found in



Meeting No. 34-92

9

October 5, 1992

Proclamation File No. 7 of the Mayor and Council, recognizing Community Ministries of Rockville's 25 years of dedicated service to the Rockville community.

This Proclamation will be presented at the luncheon celebrating Community Ministries' 25th anniversary on October 21.

Re: Award of Bid No. 27-93 for the following seven small sidewalk projects and two drainage projects:  
Maryland Avenue Sidewalk to C & F Construction Co. - \$53,395; Veirs Mill/Edmonston Sidewalk/Ramp to VMP Construction Co. - \$7,848.25; Hungerford Dr. Sidewalk to Nazario Construction Co. - \$5,660; Wootton Pkwy./School Sidewalk to VMP Construction Co. - \$7,367.50; Wootton Pkwy., Edmonston/Fleet Sidewalk to Nazario Construction Co. - \$9,900; Scott Drive Drainage to Palmeiro Construction Co. - \$8,135; Grandin Ave. Sidewalk to Nazario Construction Co. - \$7,617.35; Kimblewick Drainage to Jupiter Contracting Co. - \$6,630; and Route 355/28 Ramp to VMP Construction Co. - \$345.00.

The combined total of the low bids is \$106,898.10.

Meeting No. 34-92

10

October 5, 1992

Sufficient funds have been budgeted for this award.

With respect to Item B on the Consent Agenda, Councilmember Marrinan noted that one project had the benefit of input from the neighborhood directly impacted. He asked if other projects had similar involvement from adjacent residents. The City Manager responded that the larger, more visible projects have a lot of citizen input and quite a bit of public interaction takes place. In fact, most projects are initiated through citizen concerns about the condition of a sidewalk or a drainage situation. Staff will ensure that every citizen is aware of the major projects impacting their neighborhoods.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Bid No. 27-93 was awarded for seven small sidewalk projects and two drainage projects for a total bid amount of \$106,898.10.

Re: Receipt of August financial reports summarizing results of City operations for the period from July 1, 1992 through August 31, 1992.

Inasmuch as he has been approached by citizens as to the impact to the City resulting from State cutbacks, Councilmember Marrinan requested the removal of this item (E) from the Consent Agenda to make note of the potential impact. He quoted from the Director of Finance's memo dated September 28, 1992, to the effect that cuts in local government aid would probably affect the Police Protection Grant (\$240,000), the Youth Services Grant (\$27,000) and gasoline tax distributions (\$1,200,000). Additionally, the City could experience a "ripple effect" if the County reduces funding to us in response to reductions in funding it receives from the State.

The City Manager commented that these are subject matter areas and the dollar amounts

Meeting No. 34-92

11

October 5, 1992

reflect the current funding level. It is likely that the City could experience some changes in the amounts received for these grants.

Re: Approval of Waiver No. 16-92 of on-site stormwater management for a four-lot subdivision at the 500 block of Grandin Avenue, and acceptance of a \$19,600 contribution to the SWM fund.

Developer, Donald King, proposes to resubdivide ten lots into four new lots having an average area of 8,000 square feet.

The City Manager reported that this stormwater management waiver request follows the same pattern as earlier waiver requests. Although the Stormwater Management Task Force did not specifically look at this waiver, it is basically the same as the last three or four waivers that were recommended for approval by the Task Force. For that reason, staff has recommended approval.

Mayor Duncan noted that there will be .16 acre of runoff from this site, and the information provided indicates that this waiver will increase the storage capacity at the Maryvale I SWM Facility from 74.4% to 83.2%. He requested that staff check this figure as it seems high.

Councilmember Coyle inquired as to the timetable for implementing the recommendations set forth in the Report of the Stormwater Management Task Force. He was advised that staff is going through the Task Force Report and making suggestions for implementation. This information should be available in the very near future.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Waiver No. 16-92 of on-site stormwater management was approved for a four-lot subdivision at the 500 block of Grandin Avenue, with acceptance of a \$19,600 contribution to the SWM fund.

Meeting No. 34-92

12

October 5, 1992

Re: Discussion and Instructions  
to Staff - Text Amendment  
Application T-123-92,  
Rockville Chamber of  
Commerce, Applicant.

This application proposes to amend the sign regulations section of the Zoning Ordinance to allow the Sign Review Board to grant modifications for freestanding identification signs which contain the name, logo or trademark of more than one entity.

In view of testimony at the public hearing on this text amendment, Councilmember Coyle is convinced that there is a need for selective businesses to petition the Sign Review Board for modifications and he can support this text amendment. He requested, however, that one year following implementation, the Sign Review Board come back with a report to the Mayor and Council as to the impact of this change. He has a concern that this could lead back to inappropriate signage on Rockville Pike.

Mayor Duncan suggested that the report be an agenda item for the Sign Review Board's annual worksession with the Mayor and Council.

Councilmember Krasnow asked if it would be the Sign Review Board or the Mayor and Council adopting standards for the modifications. The signs should be added back in, and the standards should be set now.

It was decided that staff would be instructed to prepare the standards for Mayor and Council review as part of the adoption.

The City has to be very careful to get a workable standard cautioned Councilmember Krasnow and the minimum number of inches for visible letters may create some debate.

Meeting No. 34-92

13

October 5, 1992

It was pointed out by Councilmember Marrinan that unless there are clear and objective standards to guide the Sign Review Board, this will be a difficult task for them. The Mayor and Council should legislate the standards for staff and the Sign Review Board, and consideration should be given to setting a maximum number of modifications which would be allowed.

Councilmember Krasnow noted that this text amendment may generate more requests for modification, particularly from businesses who do not currently have signs.

Mayor Duncan stated that the Rockville Chamber of Commerce and other business owners did a good job in presenting their case and he supports the text amendment. If there had been something like this in place earlier, the issue of costume figures would probably not have arisen.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation to approve Text Amendment Application T-123-92, Rockville Chamber of Commerce, Applicant, to include standards for sign modifications and a requirement that, at their annual worksession with the Mayor and Council, the Sign Review Board will present a report on the modifications requested and granted.

Re: Discussion and Instructions  
to Staff - Text Amendment  
Application T-126-92,  
Rockville Planning  
Commission, Applicant.

This application proposes to amend the Zoning Ordinance so as to delete the requirement that a dwelling must be at least three years old before an "accessory apartment" special exception application may be filed.

Meeting No. 34-92

16

October 5, 1992

and does not support it. Not only does it take this authority away from the Mayor and Council, but he does not see the need to increase compensation at this time, especially given the current budget constraints.

Clarification was provided that any approved increase would not be effective until after the next election. Mayor Duncan recommended inclusion of a representative from the Taxpayers League on the commission.

Upon motion of Councilmember Coyle, duly seconded, with Mayor Duncan voting "no," staff was instructed to prepare the necessary documentation to adopt the Ordinance and Charter Amendment to establish a Compensation Commission and to include guidelines for selection of the membership of the commission as follows: three of the five members would be Rockville residents; the membership is to be comprised of a member of the judiciary, a representative from the Metropolitan Washington Council of Governments (possibly the Executive Director), a Chamber of Commerce representative, a representative from the Taxpayers League, and a resident active in civic associations.

Re: FYI/Correspondence

Stop the Violence Summit

The City Manager advised Councilmember Coyle that a representative from staff would participate in this upcoming event.

Maryland Teacher of the Year

Mayor Duncan referenced Ms. Niewiaroski's letter thanking the Mayor and Council for her recent recognition as MCPS Teacher of the Year. Subsequent to the Mayor and Council recognition, Ms. Niewiaroski was selected as Maryland Teacher of the Year.

Meeting No. 34-92

17

October 5, 1992

Personnel Satellite Office

Staff was congratulated by Councilmember Coyle on the initiation of this satellite office.

Job Fair for Mature Workers

This annual fair will be held on October 15 at the Silver Spring Armory.

Re: New Business

Twinbrook Elementary's 40th Anniversary

Councilmember Robbins offered congratulations to Twinbrook Elementary School which celebrated its 40th anniversary this past weekend. A tremendous crowd was present including many intergenerational family units.

Community Clinic's 20th Anniversary

Congratulations were offered by Councilmember Marrinan on the occasion of Community Clinic's 20th anniversary which was celebrated last Friday evening.

Alternatives to Landfill/Incinerator

Mayor Duncan asked how staff was progressing on the study of alternatives to disposal of trash. The City Manager advised that staff has been very active in this matter and has had many conversations with private sector representatives as well as County staff. Staff will continue to look at alternatives closely, and information should be available soon as the County's final recommendations are imminent.

Re: Next Meeting

The next meeting of the Mayor and Council will be held on October 19, and will consist of a public hearing on Street Closing and Abandonment Application SCA-67-92, to abandon a portion of an alleyway located between Woodland Road and Coleman Park Lane.

Meeting No. 34-92

14

October 5, 1992

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation to approve Text Amendment Application T-126-92, Rockville Planning Commission, Applicant, to delete the requirement that a dwelling must be three years old before an "accessory apartment" special exception application may be filed.

Re: Discussion and Instructions to Staff regarding a proposed Ordinance and Charter Amendment which would establish a Compensation Commission to review the compensation of the Mayor and Council and provide a procedure for establishing annual stipends for the Mayor and Council.

If adopted, these two actions would establish a five-member Compensation Commission which would meet every six years to review compensation of City elected officials and make recommendations for adjustments. The Mayor and Council may accept the recommendations of the Commission by taking no action or may reject or modify the recommendations of the Commission.

Councilmember Marrinan stated that it is worthwhile to note that the compensation level of the Mayor and Council has not changed in the last nine years. He advocates initiating a system to do this which could be accomplished by the establishment of an independent commission. In order to make the commission as objective as possible so that it is not viewed as a self-serving exercise on



Meeting No. 34-92

15

October 5, 1992

the part of the Mayor and Council, he recommended appointments from specific areas, that is: a member of the judiciary in Montgomery County; a representative from the Metropolitan Washington Council of Governments; a representative from the Chamber of Commerce; a representative from Maryland Municipal League; and a citizen active in a civic organization.

Both Councilmembers Coyle and Robbins agreed with Councilmember Marrinan. However, Councilmember Robbins feels that once the commission has met and a compensation level effective for 1994 has been established, a formula should be relied upon for future modifications such as a percentage of the Consumer Price Index (CPI). This approach would provide the Mayor and Council with a cost-of-living adjustment without the necessity of reconvening a commission every six years.

Councilmember Krasnow pointed out that the compensation levels are not large, i.e., \$8,000 for the Mayor and \$6,000 for the Councilmembers, and basically cover incidental costs such as babysitting. She supports the establishment of a compensation commission and agrees with Councilmember Marrinan's suggestions for membership.

Councilmember Coyle disagreed with the concept of linking the compensation level to a CPI percentage, stressing that it is not a salary but, basically, a stipend which offsets personal costs incurred.

Councilmember Robbins agreed to support the proposal for a commission to meet every six years although he does not feel it is the best approach.

A tradition had been established in previous years whereby, approximately every eight years, a proposal to adjust the compensation level of the Mayor and Council was raised and submitted for public hearing. Mayor Duncan feels that the proposal to establish a commission is too cumbersome

Meeting No. 34-92

18

October 5, 1992

Re: Adjournment

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the meeting was adjourned at 9:00 p.m., to convene again in Public Hearing on October 19, 1992, at 7:30 p.m., or at the call of the Mayor.